IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1889 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10/02/2004 in WP NO : 9277 OF 1993 on the file of the High Court.)

Between:

Hindustan Zinc Ltd., Visakhapatnam, rep. by its General Manager.

..... APPELLANT

AND

1 The Industrial Tribunal-cum-Labour Court, Visakhapatnam.
2 Sri M.S. Hussain, S/o. Late Md. Hussain,
40-14-120, Yaseen Masque, Rasapuvanipalem, Visakhapatnam.

.....RESPONDENTS

Counsel for the Appellant: MR.K.SRINIVASA MURTHY

Counsel for the Respondent No.1 : Government Pleader for Labour

Counsel for the Respondent No.2: DR.P.B.VIJAY KUMAR

The Court made the following :

JUDGMENT (per Hon'ble Smt Justice T Meena Kumari) :

Aggrieved by the order 10-02-2004 passed by the learned single Judge of this Court in W.P. No. 9277 of 1993, the present writ appeal is `filed.

The unsuccessful management-appellant herein is the petitioner in the writ petition which was filed seeking to quash the order dated 26-2-1993 passed by the Industrial Tribunal-cum-Labour Court, Visakhapatnam, directing the management for reinstatement of the petitioner-workman with full back wages and restoring the seniority. The 2nd respondent workman contested the writ petition.

After examining the material placed before him, the learned single Judge disposed of the writ petition directing the petitioner-management for reinstatement of the 2nd respondent with continuity of service and without any back wages and further directed to calculate and pay all the terminal benefits to the 2nd respondent as if he is retired while in service on attaining the age of superannuation. Aggrieved by the said findings, the management filed the present appeal.

Heard the learned counsel for the appellant and the learned counsel for the 2nd respondent.

Perused the order under challenge. The learned single Judge having found that the charges leveled against the workman were proved, opined that denial of back wages would be proper punishment, and directed to reinstate the petitioner with continuity of service and without any back wages. While admitting the writ appeal, a Division Bench of this Court granted interim suspension on condition of payment of half of the terminal benefits to the 2nd respondent workman and such payment is subject to the result of the appeal. Keeping in view the above facts and circumstances of the case, the view taken by the learned single Judge, in our opinion, does not warrant any interference by this Court.

The writ appeal is therefore dismissed. No costs.

T. MEENA KUMARI, J

Dt. 16/6/2005

P. LAKSHMANA REDDY, J

kvrk

To

1. The Chairman and Presiding Officer, Industrial Tribunal-cum-Labour Court, Visakhapatnam.

2. 2 C.Cs. to the Government Pleader for Labour, High Court Buildings, Hyderabad. (O.U.T.)

3. Two C.D. copies.

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT APPEAL NO : 1889 of 2004

(Judgment of the Division Bench delivered by

Hon'ble Smt Justice T Meena Kumari)

16th June 2005